IN THE HIGH COURT OF JUDICATURE AT BOMBAY
APPELLATE SIDE

CRIMINAL APPLICATION NO. 2293 OF 2007

Mr.Sunil Raghunath Shetty. ... Applicant.

V/s.

State of Maharashtra. ... Respondent.

P.R.Yadav for the applicant.

Rajesh More, APP for the State.

CORAM: V.C.DAGA, J.

DATED: 31st July 2007.

P.C.:

. Heard learned counsel for the applicant and learned A.P.P. for the State.

2. The present applicant is seeking bail in C.R.No.272/2004 registered with Cuff Parade Police Station, Mumbai for the offences punishable under sections 120(b), 420, 465, 467, 468, 469, 471, 474, 406, 255 to 261 of Indian Penal Code, arising in Sessions Case No.379/2006.

3. The learned counsel appearing for the applicant submits that the co-accused Shambhu Tiwari, Sujit Shetty and Surendran Krishnan have already been granted bail and, therefore the present applicant

would be entitled to bail on parity. It is needless to mention that by making false representation and by practising fraud the applicant has borrowed loan on the same property from three different banks. He went on to open bank accounts in name of builders and encashed the cheques representing the amount of loan.

4. Out of three accused, who are released on bail, two accused, viz. Shambhu Tiwari and Surendran Krishnan are absconding till date and their whereabouts are not known. Therefore the possibility of the present applicant jumping the bail cannot be ruled out. Considering the tendency of committing offence repeatedly of similar nature, possibility of committing further offence also cannot be rule out. Under these circumstance, I am of the opinion that this is not a fit case wherein the applicant should be granted bail.

5. Application is, therefore, dismissed. However, trial be treated as expedited.

JUDGE